

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re: AARON LEE ADAMS, : Case No. 14-19903REF
Debtor : Chapter 7

TINA GOMERSALL, : Adv. No. 18-68
Plaintiff :
vs. :
AARON LEE ADAMS, :
Defendant :

ORDER GRANTING MOTION TO DISMISS
WITH PREJUDICE IN PART AND WITHOUT
PREJUDICE IN PART

IT IS HEREBY ORDERED, based upon the accompanying Statement supporting this Order, that I **HEREBY GRANT WITH PREJUDICE** the Motion To Dismiss Count I.A. of the Amended Complaint because I conclude that any default judgment entered against Debtor is not entitled to collateral estoppel effect under Pennsylvania law,

IT IS FURTHER ORDERED, based upon the accompanying Statement supporting this Order, that I **ALSO HEREBY GRANT WITH PREJUDICE** the Motion To Dismiss Count I.A. of the Amended Complaint because I conclude that any default judgment entered against Sol-Terra is not entitled to collateral estoppel effect under Pennsylvania law.

IT IS FURTHER ORDERED, based upon the accompanying Statement supporting this Order, that I **HEREBY GRANT WITHOUT PREJUDICE** the Motion To Dismiss Count I.B. of the Amended Complaint because I conclude that the Amended Complaint fails to allege facts sufficient to state a claim for relief under 11 U.S.C. §523(a)(2)(A) that is plausible on its face based on piercing of the corporate veil or participation theory.

IT IS FURTHER ORDERED that Plaintiff is **HEREBY GRANTED LEAVE TO FILE**, on or before October 19, 2018, a second amended complaint that properly pleads a cause of action that is plausible on its face against Debtor under 11 U.S.C. §523(a)(2)(A) based on piercing the corporate veil or a participation theory of recovery.

Date: September 19, 2018

BY THE COURT

A handwritten signature in black ink, appearing to read "R. Fehling", is written over a horizontal line.

RICHARD E. FEHLING

United States Bankruptcy Judge